

VZCZCXRO5267  
PP RUEHLMC  
DE RUEHLP #2636/01 2721843  
ZNY CCCCC ZZH  
P 291843Z SEP 06  
FM AMEMBASSY LA PAZ  
TO RUEHC/SECSTATE WASHDC PRIORITY 0732  
INFO RUEHAC/AMEMBASSY ASUNCION 6138  
RUEHBO/AMEMBASSY BOGOTA 3455  
RUEHBR/AMEMBASSY BRASILIA 7313  
RUEHBU/AMEMBASSY BUENOS AIRES 4575  
RUEHCV/AMEMBASSY CARACAS 1832  
RUEHPE/AMEMBASSY LIMA 1872  
RUEHMD/AMEMBASSY MADRID 3144  
RUEHME/AMEMBASSY MEXICO 1801  
RUEHMN/AMEMBASSY MONTEVIDEO 4046  
RUEHQT/AMEMBASSY QUITO 4468  
RUEHSG/AMEMBASSY SANTIAGO 9042  
RHMFISS/HQ USSOUTHCOM MIAMI FL  
RUMIAAAA/USCINCSO MIAMI FL  
RUEHLMC/MILLENNIUM CHALLENGE CORP  
RHEBAAA/DEPT OF ENERGY WASHINGTON DC  
RUEATRS/DEPT OF TREASURY WASHINGTON DC  
RHEHNSC/NSC WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 LA PAZ 002636

SIPDIS

SIPDIS

E.O. 12958: DECL: 09/29/2016

TAGS: [ECON](#) [PGOV](#) [PREL](#) [BL](#)

SUBJECT: MAS MACHINATIONS AT CONSTITUENT ASSEMBLY POLARIZE

-- FOR NOW

REF: LA PAZ 2393

Classified By: DCM Kris R. Urs for reasons 1.4 (b) and (d).

11. (C) Summary: On September 28 in Sucre, on almost purely party lines, the Constituent Assembly (CA) voted in favor of Evo Morales' MAS party's proposal that it declare itself an "originary" organ, and thus theoretically superior to all other branches of government, including the legislature that voted it into existence -- as well as the constitutional court. This decision, should it hold, will not come into force until after the new constitution for which the CA is responsible is approved by a two-thirds majority in its final form, although the MAS may well seek to change this in the weeks ahead to allow for complete MAS dominance of the CA. The opposition is calling foul, and has threatened vaguely to seek assistance from international legal bodies, but this is seen as a hollow threat. There seems to be no inclination on the part of the independent constitutional court to review this decision, although it is to be expected that the opposition may file an appeal in the coming days. Troublesomely, the opposition seems to be without a strategy, beyond a vague desire to internationalize this issue. Given opposition fecklessness, the MAS worst enemy as it rams through its hegemonistic strategy may be itself. New constitutions in Bolivia are relatively common reforms in Bolivian history; what has proven far more elusive is the societal consensus that allows their successful implementation. In this regard the MAS may soon find, like so many other would-be Bolivian rulers, that its aggressive constitutional reach far exceeds its grasp. End summary.

-----  
MAS Plows Forward  
-----

12. (C) Following more than a month of raucous and increasingly deadlocked debate, the MAS decided late in the evening of September 28 to push forward with its controversial proposal to declare the CA an "originary" organ of the state, thereby theoretically placing at the highest pinnacle of state power and superseding all others, including

the judiciary, the legislature, and even the presidency. The decision, should it hold, will only come into force after the entire constitution proposed by the CA is approved by an internal two thirds vote, as the rules currently hold; but the MAS shows every inclination to railroad through a change to this rule as well, allowing for a simple majority vote on all matters. (Given that the MAS enjoys a simple majority, such a move would turn the CA into a mere rubber stamp body for the MAS on all constitutional matters, and would undoubtedly result in an extremely polemical, radical, and potentially anti-democratic constitutional document, based upon experience to date. For instance, alleged draft MAS constitutions we've seen to date contain seriously flawed understandings of basic human rights, and broadly define social problems as human rights issues in potentially profoundly undemocratic directions.)

13. (U) The vote was pushed through by the MAS CA president, Sylvia Lazarte, with little regard for parliamentary procedure. Lazarte cut off debate early in the discussion, and the final vote was almost entirely on party lines. The MAS "steamroller" eliminated the prospect of what had appeared to be some promising opposition and MAS efforts towards compromise in recent days. News reports indicate that the scene in the CA at the time of the vote was extremely tense, with in one case an opposition and a MAS member nearly coming to blows. Attempting to delay the voting, the opposition stood up and sang the Bolivian national anthem, but the voting continued.

-----  
Opposition Daydreams

LA PAZ 00002636 002 OF 002

-----  
14. (C) While the scene at the CA was reportedly tense, at least this time CA members avoided the descent into national scandal following the melee of violence which characterized the events of September 2, when Roman Loayiza fell from the lectern and was seriously injured (Reftel). Nonetheless, the opposition is predictably outraged by the MAS' heavy-handed tactics. As yet, however, there have been no indications that the opposition has any serious strategy to challenge this vote effectively. There has been vague talk this morning about the prospect of perhaps appealing for international arbitration, but how the opposition thinks its going to either obtain an international hearing or enforce it remains to be seen. We have heard nothing yet about an opposition effort to challenge this move in Bolivia's own respected, independent constitutional tribunal, which seems to us the court of first recourse.

-----  
Comment  
-----

15. (C) Given that this decision was undoubtedly taken at the level of the presidency, it is best seen as a power grab on the part of President Morales and his party as opposed to such an effort on the part of the CA itself, which is strictly obeying orders, according to all contacts with whom we have spoken. As such it provides an interesting window into President Morales' plans for the coming months. With the CA deadlocked and CA president Sylvia Lazarte's popularity down 15 points over the last 30 days, according to a respected local polling firm, and "approval" of the performance of the CA down some 24 percent over the same period, it may be that Morales simply determined that he had more to lose with continued stalemate than with a further step towards open confrontation. In the MAS playbook, confrontation seems to trump cooperation at every juncture. The problem for this government is that its continued reliance on confrontation is beginning to severely limit its options. With the CA an increasingly discredited constitutional body, it is becoming a seething pit of

opposition anger and frustration. New constitutions are not that unusual in Bolivia; there have been some 21 in its history. But for constitutions to work there must be sufficient social consensus for their effective implementation. What the MAS may soon find in Bolivia is that its aggressive constitutional reach far exceeds its grasp.

GOLDBERG